

**From:** Boykin, Dennis  
**To:** Microsoft ATR  
**Date:** 1/23/02 1:29pm  
**Subject:** Microsoft Settlement

I am writing to voice my personal objection to the proposed settlement in this case. As a practicing professional in the information technology industry, I have seen first-hand the damage caused by the anti-competitive actions of the Microsoft corporation.

I have three specific areas of disagreement:

1) Lack of enforcement: The proposed remedy does not, in any fashion that I could determine, deter the Microsoft Corporation from continuing its monopolistic practices. They have proven, time & again, that it is in Microsoft's best interests to disregard the laws of the United States, and the best interests of the industry. I see nothing in this document that forces them to change the way they do business.

2) Middleware & Interoperability: (Sections III H.3, III J, and specifically III J.2.c) does not take into account that substantial amounts of today's software is developed on a non-commercial basis by nonprofit groups and volunteers. As I read this document, open source groups have no standing, and therefore are at risk to be put out of business by the monopoly.

In its current form, this remedy allows Microsoft to INCREASE its market dominance, and continue its monopolistic practices.

3) Veto power: According to the proposed remedies, Microsoft does not need to make ANY API available to groups that fail to meet "reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business." This explicitly gives them a veto over sharing any information with open source development projects as they are usually undertaken on a not-for-profit basis (and therefore would not be considered authentic, or viable businesses).

ANY solution that allows the Microsoft Corporation to determine who does, and who does not, qualify to receive API's is unconscionable.

SUMMARY: The Microsoft Corporation has been found guilty of anti-competitive practices; it has settled a similar case ten years ago, and now the government is allowing the guilty party to choose its punishment?

What's wrong with this picture ?

I recommend that the judge reject the proposed settlement outright.

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